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UNITED STATES ATTORNEYS' MANUAL
TITLE 9--CRIMINAL DIVISION

9-90.530 Trading With the Enemy Act: 50 U.S.C. App. §5(b)/Foreign Assets Control

Pursuant to the authority granted in the Trading With the Enemy Act (50 U.S.C. App. §5(b)), the Secretary of the Treasury has promulgated regulations prohibiting unlicensed transactions between U.S. nationals and certain designated foreign countries and their nationals. See 31 C.F.R. §500.101 to §500.809. Investigations of violations of the Foreign Assets Control Regulations are conducted by the Treasury Department, and cases are referred by that Department to the Internal Security Section and to the U.S. Attorneys for prosecution.

9-90.540 International Emergency Economic Powers Act: 50 U.S.C. §§1701-1706

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. §§1701-1706), the President is granted authority to declare a national emergency with respect to any unusual and extraordinary threat, which has its source outside the United States, and to take action to meet that property in which any foreign country or a national thereof has an interest. Criminal violations are investigated by the Treasury Department. Prosecution of violations which involve the exportation of property in which a foreign national or foreign country has an interest shall not be undertaken without the prior approval of the Criminal Division. See USAM 9-2.132.

9-90.600 REGISTRATION

The Internal Security Section administers and enforces three registration statutes: (1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. §§611 et seq.); (2) the Voorhis Act (18 U.S.C. §2386); and (3) the Act of August 1, 1956 (50 U.S.C. §§851-857), and two related statutes: 2 U.S.C. §441e and 18 U.S.C. §219. The registration statutes and the conflicts provisions (18 U.S.C. §219) require the express prior approval of the Criminal Division or higher authority before prosecution may be initiated. See USAM 9-2.132. In addition, the Section is responsible for the supervision of prosecutions under the Federal Regulation of Lobbying Act (2 U.S.C. §261 et seq.) and 46 U.S.C. §1225. These statutes and the foreign campaign contribution violation (2 U.S.C. §441e) require consultation prior to instituting grand jury proceedings, as well as seeking an indictment of filing an information. USAM

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H. Rebellion or Insurrection, 18 U.S.C. §2383;

I. Registration of Certain Organizations (Voorhis Act), 18 U.S.C. §2386;

J. Registration of Foreign Agents, 22 U.S.C. §§611-621; 18 U.S.C. §219;

K. Registration of Person Who Has Knowledge, Received Training in Espionage, etc., 50 U.S.C. §§851-857;

L. Sabotage, 18 U.S.C. §2151 et seq., and if subversive activities involved, 18 U.S.C. §1362;

M. Trading with the Enemy Act, 50 U.S.C. App. 5(b); and

N. Treason, 18 U.S.C. §2381.

Prior authorization is required if any of the above listed statutes are ancillary involved as, for example, where the violation is being an accessory after the fact, harboring, jumping bail, or obstructing justice.

Witnesses subpoenaed in any case involving internal security matters shall not be released without the prior approval of the Division until the proceeding in which the witnesses have been subpoenaed has been concluded. In any procedure relating to internal security matters, U.S. Attorneys and their assistants are cautioned that they are not to interview or subpoena confidential informants of the FBI without consultation and consent of the Division.

9-2.133 Other

The U.S. Attorney shall consult, as set forth at USAM 9-2.120, supra, with the appropriate section of the Criminal Division prior to instituting grand jury proceedings, filing an information, or seeking an indictment if the violation to be charged involves any of the statutes or situations listed below.

A. Acts of Air Piracy Outside the Special Aircraft Jurisdiction of the United States, 49 U.S.C. §1472(n). See USAM 9-63.180;

B. Commodity Futures Trading Commission Act of 1974, 7 U.S.C. §2 et seq.;

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